

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0081
Rezone 2513

P.C. DATE: August 11, 2015

DISTRICT: 1

AREA: 0.1949 Acres

ADDRESS: 2513 East 10th Street

OWNER: Guido and Lito Porto

AGENT: Guido Porto

FROM: LI-CO-NP

TO: NO-MU-NP

NEIGHBORHOOD PLAN AREA: Central East Austin

WATERSHED: Boggy Creek

TIA: N/A

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the neighborhood office-mixed use-neighborhood plan (NO-MU-NP) zoning request, with the addition of the following: communication service facilities shall be a conditional use; this makes Staff's recommendation (NO-MU-CO-NP).

PLANNING COMMISSION RECOMMENDATION:

August 11, 2015: *TO GRANT NO-MU-CO-NP AS RECOMMENDED BY STAFF (11-0) [J. Schissler- 1st, J. Shieh- 2nd, J. Thompson- Absent]*

DEPARTMENT COMMENTS:

The proposed rezoning tract is located at the southwest corner of East 10th Street and Northwestern Boulevard. The property is currently undeveloped and zoned LI-CO-NP. Across Northwestern Boulevard to the east is a railroad corridor. Beyond the railroad corridor is Boggy Creek Greenbelt and a City of Austin Vehicle Service Center, both zoned P-NP. South of the property is an alley, and across the alley is undeveloped lot that is zoned LI-NP. West of this lot and west of the rezoning tract is the Grandview Place neighborhood, which is comprised primarily of single family and duplex homes on SF-3 zoned lots. On the southern edge of the neighborhood, Webberville Road, are several commercial uses zoned CS-CO-MU-NP. *Please refer to Exhibits A and B (Zoning Map and Aerial Map).*

The property was rezoned from LI to LI-CO-NP in conjunction with the development of the Central East Austin Neighborhood Plan under City File # C14-01-0148. The conditions added at that time focused on prohibiting/making conditional several land uses that were considered too intense for the tract. The following uses are prohibited on the subject tract: automotive sales, automotive rentals, commercial off-street parking, convenience storage, drop-off recycling collection facilities, equipment sales, equipment repair services, scrap and salvage, campground, vehicle storage, and laundry services. The following uses are conditional uses on the subject tract: communication service facilities, building maintenance services, kennels, construction sales and services, and limited warehousing and development. None of these land uses are permitted in NO-MU-NP except communication service facilities. Since this use was made conditional with the current zoning, Staff recommends that it remain a conditional land use for the property if rezoned.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO-NP	Undeveloped
<i>North</i>	SF-3-NP	Residential
<i>South</i>	LI-NP	Undeveloped
<i>West</i>	SF-3-NP	Residential
<i>East</i>	P-NP	Greenbelt, City Vehicle Service Facility

ROADWAY CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. 10 th Street	40'	30'	Local	No	No	No
Northwestern Ave.	54'	30'	Collector	Yes	No	No

SCHOOLS:

Blackshear Elementary School

Kealing Middle School

Eastside Memorial HS at Johnston

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council

East Austin Conservancy

Cristo Rey Neighborhood Association

Blackshear – Prospect Hill

El Concilio Mexican-American Neighborhoods

Friends of the Emma Barrientos MACC

Real Estate Council of Austin, Inc.

SEL Texas

AISD

African American Cultural Heritage District Business Association

Del Valle Community Coalition

Austin Heritage Tree Foundation

United East Austin Coalition

OCEAN

Friends of Austin Neighborhoods

Preservation Austin

Bike Austin

Sierra Club

CITY COUNCIL DATE/ ACTION:

September 10, 2015: To grant postponement to October 8, 2015, as requested by Neighborhood, (11-0)

October 8, 2015:

ORDINANCE READINGS: 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Heather Chaffine-mail: heather.chaffin@austintexas.gov**PHONE:** 512-974-2122

STAFF RECOMMENDATION:

Staff supports the neighborhood office-mixed use-neighborhood plan (NO-MU-NP) conditional overlay zoning request, with the addition of the following: communication service facilities shall be a conditional use; this makes Staff's recommendation (NO-MU-CO-NP).

The current zoning on the property, LI-CO-NP, is much more intense than the dominant zoning and land use in the area—SF-3-NP and residential. However, the property is located on a collector street that connects several land use areas, and is adjacent to a railroad corridor. Although the conditional overlay prohibits or limits many land uses, there are many uses that are still permitted—general and limited retail, general and limited restaurant, etc.—that are intense for the immediate area. The proposed rezoning offers a more suitable zoning classification for the subject tract.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

NO-MU-CO-NP is much less intense than the existing LI-NP, therefore reducing the range of potentially incompatible land uses.

COMPREHENSIVE PLAN:

The zoning case is located within the boundaries of the Central East Austin Neighborhood Planning Area / Central East Austin Neighborhood Plan (CEANP). The CEANP Future Land Use Map (FLUM) classifies this area as Mixed Use, which allows commercial zoning, including Zone NO-MU. Therefore, a change to the FLUM is not required.

The following CEANP actions, objectives and text support commercial and mixed use projects in this area:

Goal 3: Promote new development for a mix of uses that respects and enhances the residential neighborhoods of Central East Austin. (p 13)

Objective 3.2: Provide incentives for creating or maintaining neighborhood serving businesses (p. 13)

Objective 3.3: Increase mixed-use opportunities where appropriate along commercial corridors (p. 16)

Text: Options for mixed-use development are recommended for most of the commercial properties in the planning area. A Mixed-Use Overlay (Mixed Use Combining District) allows residential or commercial development, or both types on the same site. The Smart Growth Infill Mixed Use Building is a "Special Use" with its own set of site development standards to promote pedestrian and transit oriented design (see Appendix G for an illustration). These would provide additional options for property owners but would not require anything new.

Action 22 – For the industrial property at Northwestern and 10th Street allow the Smart Growth Mixed Use Building "Special Use." (p 21)

Action 35: Rezone properties to implement the Future Land Use Map (p. 23)

Goal 9: Ensure compatibility and encourage a complimentary relationship between adjacent land uses.

Appendix G: Neighborhood Mixed Use Building – This option allows for buildings with both commercial and residential uses.

SITE PLAN

SP 1 Site plans will be required for any new development other than single-family or duplex residential.

SP 2 Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3 **COMPATIBILITY STANDARDS:** The site is less than 20,000 square feet and is subject to compatibility standards. Along the north, west, and south property lines, the following standards apply:

- No structure may be built within 15 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 15 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION

TR1. Additional right-of-way may be required at the time of subdivision and/or site plan.

TR2. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR3. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on E. 10th or Northwestern Avenue.

TR4. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. 10 th Street	40'	30'	Local	No	No	No
Northwestern Ave.	54'	30'	Collector	Yes	No	No

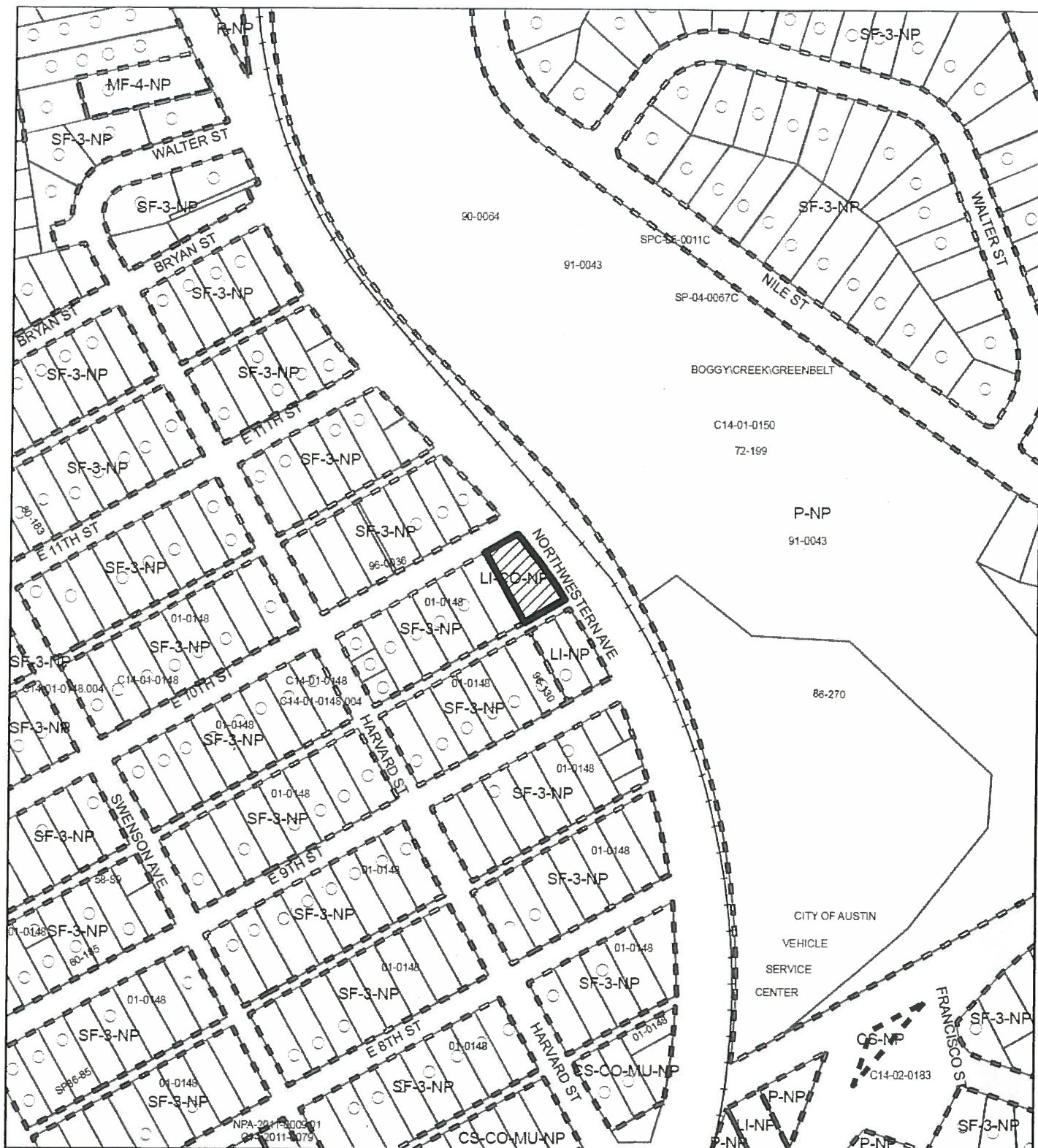
ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

WATER UTILITY

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

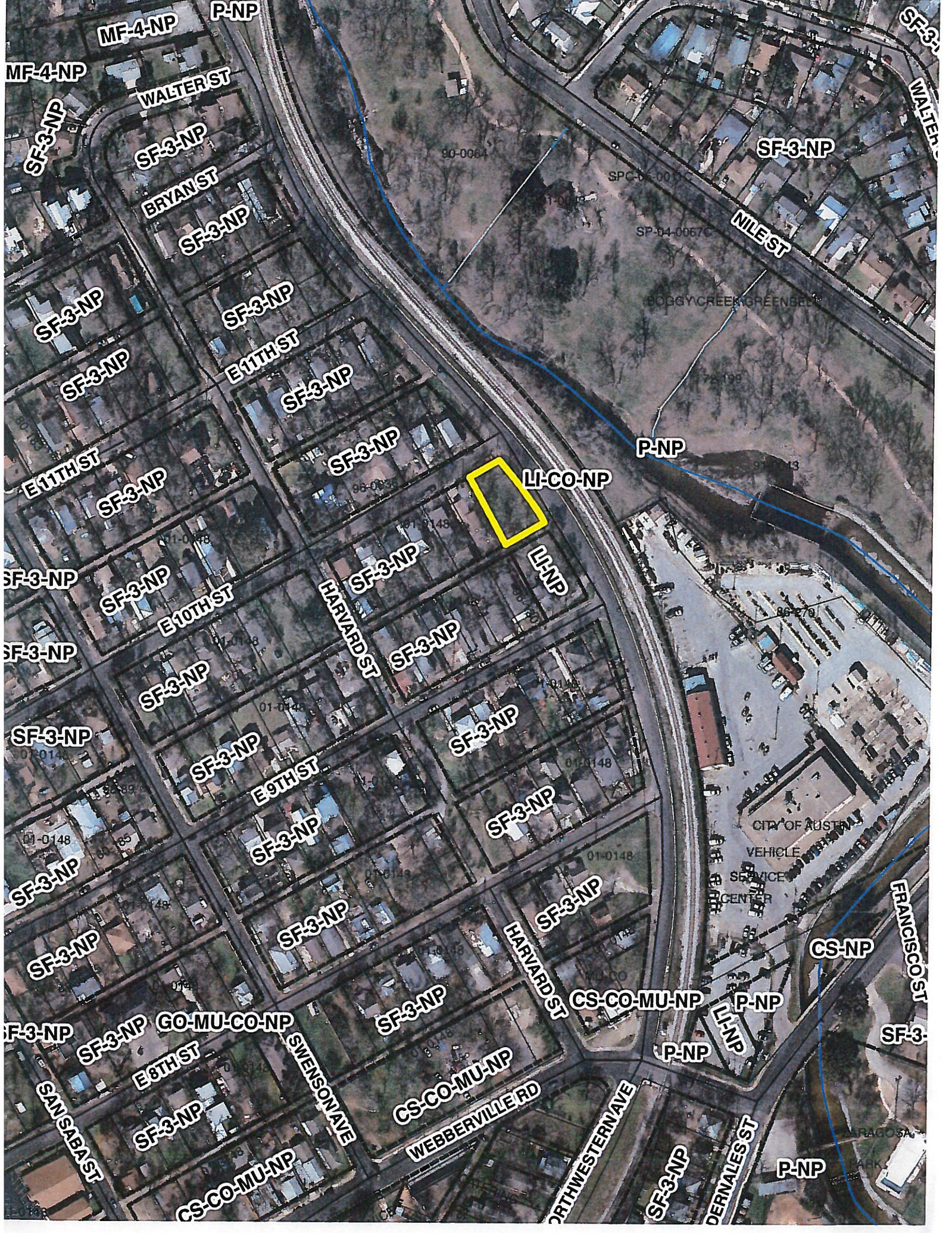
ZONING CASE#: C14-2015-0081

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





Chaffin, Heather

Subject: FW: C14-2015-0081 Protest

From: DAVID MENDOZA [mailto:]
Sent: Tuesday, August 11, 2015 4:25 PM
To: Chaffin, Heather
Subject: C14-2015-0081 Protest

Ms. Chaffin:

Regarding the change of zoning for the property located at 2513 E. 10th : Please record my protest.

I represent the Mendoza Family located at 2505, 2507, 2509 on E. 8th Street. Related Mendoza family presides contiguous to subject property at 2512 & 2514 E. 9th.

Our primary concern with the proposed zoning change -- that calls for mixed office and residential use -- is with the negative impact on parking with potential increased traffic. The impact will particularly be on Northwestern Ave which is basically a two car width street that's including parked cars. As early as the summer of 2014 parts of Northwestern was narrowed to accommodate sidewalk build out. Besides hindering traffic on Northwestern, parking on residential streets -- 9th and 10th streets -- can be negatively impacted. The neighborhood is dotted with small to tiny lot sizes where residents rely on street parking for daily access to their homes

We prefer and propose that any zoning change that would occur should be solely single family resident zoning. Although the current property zoning of light-industrial may be more permissive to structural use it is highly unlikely that a light industrial business would be seriously entertained. Light-industrial operations would have to contend with environment regulations that can counter balance the broader land use benefits. Also, this single property zoning change should be evaluated in it's precedent setting impacts on traffic and parking. Intimate knowledge of the neighborhood would speaks to those negative impacts far more than knowledge of the specific zoning categories and their intended benefits and mitigating impacts.

A little historical perspective might be useful. Circa 2010 or 2011 a zoning exception was proposed by the owner of the property located on the corner of Northwestern Ave and Webberville Rd -- approximately 2502 Webberville Rd., about 3 blocks from the subject property. The owner sought parking requirement exceptions to their commercial zoned property. Webberville Rd is a wide street, able to accommodate street parking on both sides without inhibiting two-way traffic, the business customers tended to park on the residential streets of Northwestern, Harvard, 8th street. The business owner did not make successful showing of not detrimentally impacting the neighborhood residents despite being located on a commercial zoned street (Webberville). Another zoning change proposal for the old Gamboa Grocery store located at 2315 E. 8th. was also made circa 2011. Again the new owners sought parking exceptions but I believe were not successful in acquiring that change.

I could discuss further on the unintended and detrimental impacts zoning changes had on the neighborhood when the under the Kirk Watson mayorship the City of Austin undertook an aggressive neighborhood plan rewrite across the city. But I believe you get the message.

Thank You

David Mendoza
512-789-4839